

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 8, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte, In re: Investigation of provision of
service of PICUS Communications of Virginia, Inc.

CASE NO. PUC000325

ORDER ESTABLISHING INVESTIGATION

By letter to the Director of the Commission's Division of Communications, counsel for PICUS Communications of Virginia, Inc., ("PICUS" or the "Company") advised that PICUS had filed, on November 7, 2000, for protection under Chapter 11 of the United States Bankruptcy Code. Counsel further advised that PICUS had sent, or was to send, letters to its customers informing them that they must move their service to another telecommunications carrier. Further, we have been advised by our Staff that the Company is alleged to be in arrears under its interconnection agreement with Verizon Virginia Inc. ("Verizon Virginia") and that the latter company proposes to discontinue providing service to PICUS on or about December 18, 2000.¹ Upon this occurrence, PICUS will be unable to furnish dial tone to many of its customers, who will thereafter be unable to use their telephone. The Staff has further advised that at last report that, despite PICUS' effort, approximately 4,000 customers, more or less, of PICUS' approximately 6,000 customers have not selected another carrier.

The Commission views the imminent termination of service to thousands of Virginia telephone customers as inimical to the public interest. Therefore, we establish this investigation of PICUS and invite other interested carriers to advise us of their willingness and ability to render assistance to avert this potential emergency. The Commission envisions assignment, to

¹ PICUS is also alleged to be in arrears to at least one other carrier, Cox Virginia Telcom, Inc., which has likewise indicated an intent to discontinue service to the Company.

such other carrier or carriers willing to provide service, of those customers of PICUS who have not yet designated or do not designate an alternative carrier. After such emergency assignment, customers so assigned may designate, in the normal and usual course of business, any other carrier they wish to provide service to them. We ask interested carriers in the former PICUS area to advise us whether they are willing and able to accept an assignment of customers and, if so, how many such customers they could accept and whether or not they would propose to impose transfer or connection fees on such customers.

The Commission solicits comment as to the appropriate manner in which such assignment of customers may be made and, indeed, welcomes any and all other suggestions from any carrier or interested member of the public as to how to avert the impending extensive termination of customer service.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUC000325.
- (2) On or before December 14, 2000, any local exchange carrier certified to provide service in the area where PICUS provides service submit comment responsive to the issues raised herein and advise us of its ability to provide service to PICUS' customers for whom termination of service appears imminent, and the terms upon which it proposes to provide service.
- (3) On or before December 14, 2000, any interested member of the public may submit comments responsive to the issues raised herein.
- (4) The Director of the Division of Information Resources forthwith disseminate this Order among the media in the area in which PICUS provides service, requesting the cooperation

of the media in advising the public as to the imminent loss of dial tone service by customers of PICUS.

(5) The Director of the Division of Communications shall forthwith disseminate this Order, to the maximum extent possible, to certificated local exchange carriers via telefax or email.

(6) This matter is continued for further orders of the Commission.